

Local Waterfront Revitalization Program Update
Public Workshop
Held at the Kings Park Branch of the Smithtown Library
February 24, 2016

Meeting notes

Compiled by Smithtown Planning Department

The following is a summary of Charles McCaffrey's presentation during the Smithtown LWRP public workshop. Mr. McCaffrey has been hired by the Town as a coastal management consultant to draft an updated program.

Local Waterfront Revitalization Plan Background

The LWRP is a partnership between the local, state and federal government with various legislative acts that create a program at each level of government. It establishes a set of policies to manage the coast. It began with the federal legislation, which established some broad, general coastal policies. The State was given the opportunity to refine those and make them enforceable at the state level. The term "consistency" binds all state and federal agencies to adhere to the state coastal program or any approved local program. This management program is especially unique because there is no other federal legislation that gives a lower level of government the ability to override (or "say no" to) the federal government. Any direct action, permit action, or funding action by the Federal government must be submitted to the Department of State, who will either accept or nonconcur the action. It was a very strong incentive in the federal legislation to encourage states to adopt a state coastal management program that refine the general federal policies, make them enforceable, and then receive the benefit of being able to review all federal actions for compliance with the state program. All states eventually participated in the program (one has since dropped). Since 1972, the federal government has been providing funding in the order of a couple million dollars each year to every coastal state. Unlike most states, New York saw the benefit of the federal relationship with the State and chose to offer the same type of relationship to its local governments. NYS allowed local governments to develop their own waterfront programs, refining the general state policies to their own local circumstances. In turn, the state will amend their federal program so that state and federal actions are required to be consistent with the local, or "town" programs. Essentially, the local programs (town, city, or village) are a substitute for the state program, which was the way in which the state implemented the federal program.

Scope of the Policies Involved

In the broadest sense, the policies address the issues of protecting natural resources, minimizing the losses from hazardous situations (flooding, erosion, sea level rise, etc.), and managing water quality. The coastal program's approach to addressing water quality involves managing development to avoid water quality issues. The policies not only include protection, but also incorporate making the best use of our coastal resources and providing public access to the waterfront (working waterfront). There are efforts for redeveloping the urban waterfront, specifically in regards to the remaining areas of the Kings Park Psychiatric Center. Finally, the coastal policies help preserve historic and scenic features as to protect the character of the waterfront and town.

New York State has a very diverse waterfront. The state has expanded the coastal management program to include inland waterways such as the Finger Lakes, and larger rivers and lakes. Given the diversity of the NYS waterways (Atlantic Ocean, Hudson River, and great lakes), in the late 1990's the states began to develop its own way of adapting the state coastal policies to reflect the issues in the Long Island Sound. The Long Island Sound management program was a major source of guidance in upgrading the Smithtown LWRP.

To recap the adoption process of the LWRP in short: the Town modified the state coastal policies, which are reviewed by the state and federal agencies and finally approved by the Secretary of State and the

US Secretary of Commerce. Once the local program has final approval it is then the basis for the consistency determinations.

Why update the program?

It has been 25 years since the original document has been adopted. There are new and unresolved issues (particularly in Kings Park). There are more issues regarding erosion and sea level rise. New programs and laws have been enacted since 1989, including the Long Island Sound Comprehensive Conservation Program, which focuses on hypoxia in LI Sound & water quality. New stormwater management controls have been enacted such as the MS4 (small municipal stormwater sewer systems permitting). Overall, we have a new knowledge and better understandings of such things as sustainability and coastal resiliency that we intend to reflect on in the updated plan.

What is the boundary of the LWRP?

In 1989, the town established a boundary including the areas that has the highest relationship to the LI Sound, Nissequogue River and Stony Brook Harbor. The waterfront boundary has been revised so that the coastal boundary is coterminous with the scenic and recreational boundary of the Nissequogue River Corridor. There are a few areas of significant open space, that wasn't initially included, that has now been added to the waterfront area. On the other hand, there are areas that were once open space but now fully developed that will be omitted from the waterfront area. The Villages of Nissequogue and Head of the Harbor are not included in the Smithtown LWRP as each village has their own coastal program. There is significant overlap of jurisdiction in Nissequogue River and Stony Brook Harbor between the Town and Villages. During the update process, we will be analyzing the nature of the overlapping jurisdiction and how best to manage the resources in light the district or government that has authority. We will try to clarify and simplify the areas of jurisdiction for each government.

The boundary of the Smithtown LWRP extends to the Connecticut line in the Long Island Sound. There are many water issues that occur in the Sound that may have been overlooked in the past, however, we expect to address these issues in the updated LWRP. The original program did not give much as much focus on the water side as it did the land side.

The town is concerned that it's not making the best use of the intersection of Route 25 and Route 25, a portion of the downtown central business district. We believe it should be developed in a way that is more sympathetic to the presence of the River but also provides for new uses that enhance people's ability to use and enjoy the river. There is a continuing need to preserve scenic and historic resources as well as increasing public access and recreation. Smithtown is blessed with the wealth of parks but there is always more that can be done and enhanced. The Town doesn't have a major flooding problem but there is still room for improvement.

Process for the Update

The Planning Department is heading the effort and has hired Mr. McCaffrey to help draft the updated program. Each draft section of the plan will be uploaded to the Town website as they are developed. The town has assembled a Waterfront Advisory Committee that consists of Town Department Heads, as well as members of the conservation committee. There are plans for another public workshop later in the spring once more sections of the program have been drafted. There will be public hearings before the LWRP update is final. The Town Board will act on the adoption of the Update. Once adopted by the Town Board, the Program will then be sent to the State and Federal government for review and final approval.

In addition to updating the content of the plan, the format and organization will be modified. The new program will be organized around 4 major themes: the Developed Coast, Natural Coast, Working Coast, and Public Coast. Each theme will have its own set of policies and each policy will contain an inventory and analysis relative to its character and explain the way the policy is implemented. The new format hopes to fully explain each issue at once as opposed to the original format of having one topic span multiple sections.

We have already begun the effort by drafting the Developed Coast theme policies, which deal with land use patterns, historic resources, and scenic resources. The Developed Coast draft will be added to the website soon for public review, comments/criticism are welcome. The general development patterns in Smithtown are fairly well established with parks, and stable residential areas. Kings Park and West Main Street in Smithtown are the key developed areas to be looked at. Historic resources are a continuing effort while every success in preserving is temporary and every loss is permanent. Scenic resources are observed in three ways: scenic areas and corridors, viewpoints, and community visual quality.

Mr. McCaffrey concluded his PowerPoint presentation and opens the floor to a Q&A with the audience.

Q1: When you talked about the Developed Coast you made no mention of the unstable areas, unstable residential areas such as people living on bluffs. That is what I am concerned about.

A1: I think of that more as erosion issues, there is development there and you are right, how do we manage a changing shoreline in light of what development difference we made and in light of the harm that we know that wrong approaches to managing eroding shorelines has significant problems for beaches among other things.

Q2: Is it the Planning Department's website you plan on updating?

A2: It is the Planning Departments website and there is already a page for the Local Waterfront Revitalization Plan. There will be additional information posted on that in the near future.

Q3: We have three major state parks in the waterfront area, what role do they play in the overall planning?

A3: To get the benefit of consistency, state agencies want to review the plan if they are going to be bound by it. So the Department of State wants the community to consult with affected state agencies on how the program may effect their management. It's a give and take, and reaching of position that can be comfortable for both parties.

Q4: How is the feedback from the public going to be documented tonight?

A4: Everyone has signed-in on an attendance sheet. During the breakout session each group leader will take notes of the issues that are brought up. The notes will be transcribed and posted on the website.

Q5: Will the maps in the presentation be available?

A5: Yes the maps will be posted on the website at a readable size.

Q6: Do the federal corridors have a certain setback from the Nissequogue River for protection?

A6: The state boundary was set at a half mile from the Nissequogue River. However, the boundary line is not uniform and is made to include resources that are related to the waterfront. You can't solve the water quality problems of the Nissequogue River, Stony Brook Harbor, Smithtown Bay, and Long Island Sound only looking at what happens in the LWRP boundary that's why we have watersheds. The boundary includes areas in the immediate waterfront area, but we do have to recognize the importance the watershed while addressing certain issues.

Q7: When the LWRP is written, can it be accepted as a whole or can it be accepted in portions?

A7: It is done as a whole.

At this time David Flynn asked to speak about the successes and accomplishments of the LWRP.

David Flynn: Its fair to say there would be no Nissequogue River State Park if it were not for the LWRP. The property most likely would have been developed for high-density housing. The DOS worked with the Empire Development Corporation to inform them of the LWRP and the restrictions of development in the waterfront. The State DOT added extra drainage while they were working on widening the bridge of the Nissequogue near the Bull to minimize stormwater pollution. The LWRP prevented the State using a portion of the KPPC for a construction and demolition debris landfill from the demolition of the Pilgrim State Hospital. The visual impact of the cell tower at Sunken Meadow State Park was mitigated from efforts of the LWRP. Almost every year or two the LWRP has some effect over dredging regarding the time of dredging, where it happens, and where the spoils go.

Mr. McCaffrey asks the audience again if anyone has any more questions.

Q8: Dredging was just mentioned, the River runs through San Remo down to Smithtown, during low tide you can walk across the River. It never used to be like that. I believe the dredging from the Sound (mouth of the river) has caused this. Years ago, when they cut the channel at the mouth of the river, it was cut along right along Short Beach and they filled it in with the spoils, and now the current is still trying to go out in that direction.

A8: It's a complex system that needs to be well understood in order to make the right decisions. I think that's an important thing that the program will emphasize the need to perform a clearer understanding of what's happening and how not to make mistakes in managing the use of the River.

Mr. McCaffrey concluded the Q&A and directed everyone to break into groups.

The breakout groups met for approximately 45 minutes, at which point it was decided that rather than reconvene to report back on the recommendations, the Planning Department would compile all of the recommendations and make them available on the LWRP webpage.

Allyson Murray concluded the meeting by thanking everyone for coming and inviting residents to send comments by email. She also said that people who signed the sign-up sheet would be notified by email when drafts of the LWRP sections are made available on the webpage.